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FORT LAUDERDALE CITY COMMISSION
NOVEMBER 19, 2002**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION**

**CITY COMMISSION MEETING ROOM
CITY HALL
FORT LAUDERDALE, FLORIDA**

NOVEMBER 19, 2002

Meeting was called to order at approximately 6:10 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Gloria Katz
Commissioner Tim Smith
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present: City Manager, F. T. Johnson
City Attorney, Harry Stewart
City Clerk, Lucy Kisela
Sergeant At Arms - Sgt. Martin

Invocation was offered by Minister Bernard King of the Calvary Chapel of Fort Lauderdale, followed by the recitation of the Pledge of Allegiance.

Commissioners Katz and Moore entered the meeting at approximately 6:11 p.m.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the minutes of the November 5, 2002 meeting.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Mayor Naugle. NAYS: None.

Presentations

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the family of Thelma Louise Hosack and Nan Knox.

2. "WOW Award"

Commissioner Moore presented the Community Appearance Board's "WOW Award" for District III to Ronald and Vickie Black of 3756 S.W. 17 Street in the Sunset Neighborhood. Mr. Black thanked everyone for the award.

3. 30-Year Anniversary of Imperial Point Hospital

Commissioner Katz presented a Proclamation in honor of Imperial Point Hospital's 30th Year

Anniversary to Dorothy Mancini, Chief Executive Officer.

Dorothy Mancini thanked the Commission for recognizing the service that Imperial Point provided, and stated that she had been honored to ride in an Emergency Vehicle with Chief Steve McInerney and Commissioner Hutchinson recently.

4. Oni Women's Conference

Naomi Parker, Oni Women's Conference Founder and President of the Creating Positive Change Foundation, presented a Certificate of Appreciation to Commissioner Hutchinson for her support of the Oni Women's Conference. Ms. Parker stated that this conference celebrated the bringing together of women from all multi-cultural origins.

Consent Agenda

(CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement - Christmas on Las Olas

(M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Las Olas Merchants Association** to indemnify, protect, and hold harmless the City from any liability in connection with **Christmas on Las Olas** to be held **Tuesday, December 3, 2002 from 6:00 p.m. to 10:00 p.m.**; and further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue, and S.E. 8 Avenue, S.E. 9 Avenue, and S. E. 10 Terrace from East Las Olas Boulevard north and south to the alley on each side from 12:00 noon to 11:00 p.m. on the event day.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1617 from City Manager.

Event Agreement - Singles Ministry Night of Worship

(M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Calvary Chapel Church, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Singles Ministry Night of Worship** to be held **Friday, November 22, 2002 from 7:00 p.m. to 11:00 p.m.**

Recommend: Motion to approve.
Exhibit: Memo No. 02-1723 from City Manager.

**Agreement - School Board of Broward County -
Reciprocal Facilities Use**

(M-3)

A motion authorizing the proper City officials to execute a three-year agreement with the School Board of Broward County (SBBC) for the shared use of City parks and SBBC facilities in the City.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1616 from City Manager.

**Transfer of Law Enforcement Trust Funds (LETf) and
Revised Grant Acceptance - Florida Department of Law
Enforcement (FDLE) - Club Drug "Ecstasy" Project/Ecstasy
Treatment Services (ETC)**

(M-4)

A motion authorizing the proper City officials to execute a revised grant agreement with FDLE to accept \$16,900 in support of the ETS project.

Funds: See Memo (\$12,675 in Federal Funds and \$4,225 from LETF)

Recommend: Motion to approve.
Exhibit: Memo No. 02-1520 from City Manager.

**Grant Agreement - State of Florida, Violent Crime
and Drug Control Council - Drug Trafficking Investigation**

(M-5)

A motion authorizing the proper City officials to execute a grant agreement with the State of Florida's Violent Crime and Drug Control Council in the amount of \$100,000 for costs related to a drug trafficking investigation.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 02-1754 from City Manager.

Legal Descriptions - 2002 City Commission Districts

(M-6)

A motion approving the legal description boundaries of the new City Commission Districts approved via Ordinance No. C-02-23. On November 5, 2002, the City Commission deferred consideration of this item to November 19, 2002 by a vote of 5-0.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1712 from City Manager.

**Request for Waiver of the Early Retirement Reduction
Factor - General Employees Pension Plan - Diann Keys**

(M-7)

A motion approving a request for waiver of the Early Retirement Reduction Factor for Diann Keys, a disability recipient in the General Employees Pension Plan.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1660 from City Manager.

**Revision to First Amendment to Agreement -
Broward County - Lease of County Lot II**

(M-8)

A motion authorizing the proper City officials to execute a revised First Amendment to Agreement with Broward County to remove 88 single-space parking meters and install 2 multi-space meters in the county-owned parking lot (known as County Lot II) located at 80 S.W. 1 Avenue, and eliminate the guaranteed minimum annual meter revenue to the City and the previously requested 50 percent City resident parking meter rate discount at this lot.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1624 from City Manager.

**Task Order No. 4 - CH2M Hill, Inc. - Project 10444 -
2003 Program Management Services - Water and
Wastewater Master Plan Capital Improvement
Program (CIP)**

(M-9)

A motion authorizing the proper City officials to approve Task Order No. 4 with CH2M Hill, Inc. in the amount of \$6,790,879 for the provision of program management services in calendar year 2003 in conjunction with the implementation of the City's ten-year Water and Wastewater CIP.

Funds: See Memo.
Recommend: Motion to approve.
Exhibit: Memo No. 02-1660 from City Manager.

Task Order - Keith and Schnars, P.A. (Professional General Civil Engineering Consultant Services) - Project 10543 - Shady Banks Sanitary Sewer Design and Construction Services (Sewer Area 5)

(M-10)

A motion authorizing the proper City officials to execute a Task Order with Keith and Schnars, P.A. in the amount of \$501,270 for professional engineering services associated with the Shady Banks (Sewer Area 5) sanitary sewer improvements.

Funds: See Memo.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1647 from City Manager.

Annual Joint Funding Agreement - United States Geological Survey

(M-11)

A motion authorizing the proper City officials to execute a Joint Funding Agreement with the United States Geological Survey.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1621 from City Manager.

Amendment to Agreement - TASK Environmental, Inc. - Project 8848 - Wingate Landfill Superfund Site/Sampling and Analytical Services

(M-12)

A motion authorizing the proper City officials to execute an amendment to the agreement with TASK Environmental, Inc., in an amount not to exceed \$328,002.50, and further extending the term of the agreement until March 31, 2005, to allow for additional sampling and analytical services at the Wingate Landfill Superfund site.

Funds: See Memo.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1623 from City Manager.

**Amendment to Joint Project Agreement (JPA) -
Broward County - Riverland Village Area**

(M-13)

A motion authorizing the proper City officials to execute an amendment to the JPA with Broward County in the amount of \$390,692 for additional construction costs associated with storm and water main replacement in the Riverland Village area.

Funds: See Memo.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1545 from City Manager.

**Lease Agreement - Las Olas Anchorage Corporation -
Northmark Building, 33 N.E. 2 Street - Office Space for
Office of Professional Standards**

(M-14)

A motion authorizing the proper City officials to execute a lease agreement with Las Olas Anchorage Corporation for office space located in the Northmark Building, 33 N.E. 2 Street, for the Office of Professional Standards.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1760 from City Manager.

**Amendment No. 1 - Task Order No. 01-06 -
Hazen & Sawyer, P.C. - Project 10454 - Membrane
System Replacement at Peele-Dixie Water Treatment Plant**

(M-15)

A motion authorizing the proper City officials to execute Amendment No. 1 to Task Order No. 01-06 with Hazen & Sawyer, P.C. in an amount not to exceed \$83,500 for the development of an additional bid package, "Membrane Element Procurement," for the Peele-Dixie Water Treatment Plant.

Funds: See Memo.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1645 from City Manager.

**Task Order No. 02-10 - Hazen & Sawyer, P.C. -
Project 10502 - Peele-Dixie Wellfield Improvements, Phase 2**

(M-16)

A motion authorizing the proper City officials to execute Task Order No. 02-10 with Hazen & Sawyer, P.C. in the amount of \$110,600 for engineering services associated with Peele-Dixie Wellfield Improvements, Phase 2.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1650 from City Manager.

**Task Order No. 8 - Camp, Dresser, and McKee, Inc. -
Project 10537 - Wastewater Re-Pump Stations A,B
and E Rehabilitation**

(M-17)

A motion authorizing the proper City officials to execute Task Order No. 8 with Camp, Dresser, and McKee, Inc. in the amount of \$776,283 for design and construction services related to the Wastewater Re-Pump Stations A,B and E Rehabilitation.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1651 from City Manager.

**Task Order No. 10 - Camp, Dresser, and McKee, Inc. -
Project 10541 - Miscellaneous Equipment Replacement
at G.T. Lohmeyer Wastewater Treatment Plant**

(M-18)

A motion authorizing the proper City officials to execute Task Order No. 10 with Camp, Dresser, and McKee, Inc. in an amount not to exceed \$1,274,000 for engineering services required in conjunction with planned improvements at the G.T. Lohmeyer Wastewater Treatment Plant.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1643 from City Manager.

**Task Order No. 13 - Camp, Dresser, and McKee, Inc. -
Project 10488 - Wastewater Pump Stations A11, B8,
D39, D47 and E5**

(M-19)

A motion authorizing the proper City officials to execute Task Order No. 13 with Camp, Dresser, and McKee, Inc. in the amount of \$386,156 for design and construction services required to either upgrade or replace sanitary sewer pump stations A11, B8, D39, D47 and E5.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1653 from City Manager.

**Task Order No. 14 - Camp, Dresser, and McKee, Inc.-
Project 10553 - Davie Boulevard Force Main and
Water Main Improvements**

(M-20)

A motion authorizing the proper City officials to execute Task Order No. 14 with Camp, Dresser, and McKee, Inc. in the amount of \$2,225,072 for the provision of professional engineering services associated with the Davie Boulevard Force Main and Water Main improvements.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1659 from City Manager.

**Task Order No. 15 - Camp, Dresser, and McKee, Inc. -
Project 10542 - Sailboat Bend Sanitary Sewer and Water
Main Improvements (Sewer Area 11)**

(M-21)

A motion approving the proper City officials to execute Task Order No. 15 with Camp, Dresser, and McKee, Inc. in the amount of \$922,326 for the provision of consulting engineering services associated with the Sailboat bend Area Sanitary Sewer and Water Main Improvements (Sewer Area 11).

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1654 from City Manager.

**Task Order No. 16 - Camp, Dresser, and McKee, Inc. -
Project 10545 - Wastewater Pump A9, B5, B6 and
B13 Rehabilitation**

(M-22)

A motion approving the proper City officials to execute Task Order No. 15 with Camp, Dresser, and McKee, Inc. in the amount of \$228,088 for design and construction services related to the Wastewater Pump A9, B5, B6 and B13 Rehabilitation Replacement.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1652 from City Manager.

Authorization to File Lawsuit to Acquire Public Records

M-23)

A motion authorizing the proper City officials to file a lawsuit in the name of the City against other governmental agencies seeking disclosure of public records, when such suit is approved by both the City Manager and City Attorney.

Recommend: Motion to approve.

Exhibit: Memo No. 02-2359 from City Attorney.

**Transfer of General Fund Contingencies -
Consolidated Downtown Master Plan**

(M-24)

A motion authorizing the transfer of \$137,000 from General Fund Contingencies to Construction Services/Planning and Zoning division account PBS02027/3199 (Other Professional Services) for final funding of the Consolidated Downtown Master Plan approved July 16, 2002.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1561 from City Manager.

PURCHASING AGENDA

Purchase of 72 Police Vehicles for Addition to Fleet

(Pur-1)

An agreement to purchase 72 Police vehicles for addition to Fleet is being presented for approval by the Administrative Services, Fleet Services Division. (Also see item R-3 on this Agenda)

Recommended Award: Duval Ford

Jacksonville, FL

Alan Jay Chevrolet

Sebring, FL

McCotter Ford

Titusville, FL

Adamson Industries Corp.

Lawrence, MA

Amount: \$ 1,728,098.00

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 02-1508 from City Manager

The Procurement and Materials Management Division recommends to approve purchase from Florida State, Florida Sheriff's Association and Co-Op Contracts with the transfer of Line of Credit funds in the amount of \$1,738,598 from City account to Fleet Services Vehicle Rental (ADM030501-6416); and further appropriate \$168,679 of Law Enforcement Trust Funds (LETf) and transfer of \$168,679 from LETf 104 to Services Charge Fleet (POL020401-4373), effective January 1, 2003.

Personal Computer Purchase Plan for FY 2002-03

(Pur-2)

An agreement to provide a personal computer purchase plan for fiscal year 2002-03 is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award: Various vendors

Amount: \$ 499,100.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 02-1697 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the personal computer plan and purchases from Florida State and other competitively bid contracts.

**Proprietary - Various Radios, Parts and Services -
Annual Purchase Plan**

(Pur-3)

An agreement to purchase various Motorola and RF Johnson radios, parts and services annual purchase plan for fiscal year 2002-03 is being presented for approval by the Administrative Services, Information Technology Division.

Recommended Award: Motorola Communications & Electronics, Inc.
Fort Lauderdale, FL
EF Johnson c/o bearcom
Waseca, MN

Amount: \$ 378,200.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1690 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the purchases from contracts as needed.

Proprietary - Membership Dues for Broward League of Cities

(Pur-4)

An agreement to purchase annual membership dues in Broward League of Cities is being presented for approval by the City Clerk's Office.

Recommended Award: Broward League of cities
Fort Lauderdale, FL

Amount: \$ 16,973.16
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1678 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

**Proprietary - Maintenance for Fire/EMS ADAM
and CAD Analysts**

(Pur-5)

An agreement to purchase annual maintenance for Fire/EMS ADAM and CAD analysts is being presented for approval by the Fire-Rescue Department

Recommended Award: Deccan, Inc.
San Diego, CA

Amount: \$ 16,335.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1630 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

**392-8156 - Contract Extension for ADA Consulting
Services**

(Pur-6)

A one-year contract extension for ADA consulting services is being presented for approval by the Risk Management and Construction Services Divisions.

Recommended Award: Disabled Assisting Disabled, Inc.
Fort Lauderdale, FL
Amount: \$ 70,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1683 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

Proprietary - Purchase of a Check Valve

(Pur-7)

An agreement to purchase a check valve is being presented for approval by the Public Services Department.

Recommended Award: Carter & Ver Planck, Inc.
Tampa, FL
Amount: \$ 10,773.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1631 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

Proprietary - Forensic Image Tracking System Maintenance

(Pur-8)

An annual maintenance agreement for the forensic image tracking system is being presented for approval by the Police Department.

Recommended Award: PC Professionals, Inc.
Lakewood, WA
Amount: \$ 11,232.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1689 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

Proprietary - Automated Fingerprint ID System Maintenance

(Pur-9)

An annual maintenance agreement for the automated fingerprint ID system is being presented for approval by the Police Department.

Recommended Award: Printrak International
Anaheim, CA
Amount: \$ 38,350.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1603 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

222-8682 - Additional Purchase for Police Leather and Web Gear

(Pur-10)

An agreement to purchase additional Police leather and web (non-leather) gear is being presented for approval by the Police Department.

Recommended Award: Law Enforcement Supply Co.
Miami, FL
Amount: \$ 30,286.20 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1465 from City Manager

The Procurement and Materials Management Division recommends approving additional purchases from the low responsive and responsible bidder.

432-8777 - Volatile Gas Chromatograph

(Pur-11)

An agreement to purchase a volatile gas chromatograph is being presented for approval by the Public Services Department.

Recommended Award: OI Analytical
College station, TX
Amount: \$ 75,572.00
Bids Solicited/Rec'd: 33/7 with 1 no bid
Exhibits: Memorandum No. 02-1622 from City Manager

The Procurement and Materials Management Division recommends award to the low responsive and responsible bidder.

The following items were removed from the Consent Agenda as recommended:

Commissioner Hutchinson recommended removal of Items M-1, M-3, and M-7. Commissioner Moore recommended removal of Items M-8, M-12, and M-13. Commissioner Katz recommended removal of Items Pur-2 and Pur-6. The City Manager recommended the deletion of Item Pur-8.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to remove the above-listed items from tonight's Consent Agenda, and that Item Pur-8 be deleted from this Agenda.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Event Agreement - Christmas on Las Olas

(M-1)

Commissioner Hutchinson stated that she had pulled this item. She continued stating that normally in the documents language was inserted stating that the neighborhoods had been notified, and she did not see it in this one and just wanted to make sure everyone was aware of what was taking place.

Mary Mathurin, President of Las Olas Association, stated that all notices were being sent out.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to approve this item as amended.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Agreement - School Board of Broward County -
Reciprocal Facilities Use**

(M-3)

Commissioner Hutchinson stated that she had pulled this item and suggested it be tabled in order to send it on to the Education Advisory Board.

Mayor Naugle stated that he thought they had discussed this matter. Commissioner Hutchinson stated that she had spoken to some individuals on the Board and the matter had not been before them.

Commissioner Hutchinson asked if this addressed the Homeowners meetings. Steve Person confirmed, and explained that the Homeowners Associations now fell under the City Recreation Programs for the purpose of this agreement.

Commissioner Smith clarified that they would not have to provide the liability insurance that was required of them at this time. Mr. Person confirmed.

Commissioner Katz asked if this related to the outside, as well as the inside of the buildings. Mr. Person explained that the agreement covered athletic fields and general areas of the school grounds, and did not pertain specifically to the interior of the schools. He further stated this would include the parking lot, but there would be a safety issue involved, but it could be negotiable. It would still have to be approved, but it did cover all their property.

Commissioner Katz asked if the Homeowner Associations would fall under an umbrella policy. Mr. Person explained this would come under the City's insurance policy which was actually a hold harmless policy. Commissioner Katz further asked if a Homeowner's Association could use the facility's parking lot for an event. Mr. Person explained that the agreement stated that the Association and the City of Fort Lauderdale could use the school property, but the School Board had the right to refuse use of certain areas.

Ernest Burkeen, Director of Parks and Recreation, stated that there would have to be some further discussion with the school regarding the specific site in question because there was a safety issue

involved. He further explained that for safety reasons when this particular school had been built, they built the parking lot with a gate and it was not operable on weekends. He further stated there was additional parking provided on the other side. Mr. Burkeen stated they would attempt to see if they could obtain usage of the lot.

Commissioner Moore urged the Commission to vote on this matter this evening and stated that he had no problem with it being forwarded to the Education Advisory Board for their comments, but due to the concerns of the community and the number of Civic Associations throughout the City who had been wanting such an agreement in order to gain accessibility to public property for their use, he saw no reason for any further delay.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve this item as written and forward it to the Education Advisory Board for their comments.

Commissioner Hutchinson stated that she would support the motion because many neighborhoods had waited a long time for this, but it was like the Commission approving a plan for Planning and Zoning, and then forwarding it to them. She felt the Board could possibly add input to this and it should not be voted on without them first reviewing it.

Commissioner Smith suggested they wait to vote and forward it to the concerned Board. He further asked if the Education Advisory Board was scheduled to meet before the next City Commission Meeting.

Mr. Burkeen stated that he was not sure, but they had a couple of Homeowner groups who had not been meeting due to not having a location for those meetings.

Commissioner Smith stated that the Advisory Boards took their jobs very seriously and when items were not forwarded to them that pertained to their Boards, they became very upset.

Commissioner Moore stated that this was not an educational issue, and only pertained to the opportunity of using lands that belonged to the taxpayers, but who were not granted accessibility to the property. He suggested this matter be approved for the communities who had been waiting for a long time, and if any amendments were required, the Education Advisory Board could propose such amendments.

The City Manager stated that Commissioner Moore was correct in his statements regarding this matter. He further explained that this had started as an effort to facilitate ease of access to the facilities, particularly when there were reciprocal agreements with the School Board and the Parks and Recreation Department. He stated that he had been working closely with the Advisory Board on a recent project, and he explained that things other than usage of the facility were involved in this matter. He urged the Commission to approve this item this evening, and then the matter could be forwarded to the Advisory Board for further input.

Commissioner Katz stated that she did not have a problem with this.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Request for Waiver of the Early Retirement Reduction
Factor – General Employees Pension Plan – Diann Keys**

(M-7)

Commissioner Hutchinson stated that she had pulled this item. She stated that she and Boe Cole did not get a chance to talk and she had some questions. She asked if this was normal practice and if there was disability due to the job. Commissioner Hutchinson also asked if they did this would they be setting a precedence and why was the person terminated.

Boe Cole, City Treasurer and Chairman of the General Employees Pension Board, stated that Ms. Keys left the City under a non-service disability. He stated she was a very ill person and had been gone for almost one year.

Commissioner Hutchinson asked if they would be setting a precedence in this case. Mr. Cole explained that this was the first case, and the Board took almost a year to bring this before the Commission. A lot of due diligence and soul searching had been done, including the hiring of an outside CPA firm to check into the matter. He explained this was a hard decision for them to make and once they made their decision, it was unanimous that this case was deserving of the particular clause. It was not something that would be used a lot, and he hoped it would never be used again.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to approve the request for waiver of the Early Retirement Reduction Factor.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Revision to First Amendment to Agreement -
Broward County - Lease of County Lot II**

(M-8)

Commissioner Moore stated that he had pulled this item.

Commissioner Hutchinson left the meeting at approximately 6:34 p.m. and returned at 6:35 p.m.

Commissioner Moore continued stating that he could not understand how such a recommendation such as this could be made. He stated that due to the cost for the acquisition of the new payment system, this should not be done. If the matter was going out for bid and they were going to allow the private sector to run this, then the RFP should be put out now.

Doug Gottshall, Parking and Central Services Manager, stated that Commissioner Moore was correct, and they had stated if the City did not accept the terms of their agreement, they would put it out for bid. He further stated that this was a win-win situation despite what it might look like on paper. He explained they had projected to receive in the upcoming years somewhere between \$70,000 to \$100,000 in revenue from this particular lot. He further stated that the cost of the meters was to be shared between the City and the County, and the City's cost going in would be less than \$15,000.

Commissioner Moore clarified that after they made the change of the equipment for the parking, this would be for a certain period of time. Mr. Gottshall stated that he believed it was a five-year agreement.

Mayor Naugle clarified that the agreement said five years, but there was a clause stating that either party could cancel it. He continued stating that this was a lousy deal and the County was being slightly arrogant. The reason he was supporting this was because there were businesses that depended on this lot, including the City of Fort Lauderdale Dock's Office. He further stated that he felt the City did a good job of running this lot.

Commissioner Moore stated that he appreciated the Mayor's comments, but one of the things he had always stated was that the parking fees in Downtown were too low. He felt that the reason there was so much traffic congestion was due to those low parking rates. He also stated that he did not agree with the stance the County was making in this case, and he definitely understood the opportunity of profitability, but he could not support this item.

Commissioner Katz stated the City would still get 35% of whatever money was brought in, and the County

would get 65%, so altogether the City would still be getting about \$73,000. Mr. Gottshall reiterated that the projection for next year was between \$70,000 and \$100,000.

Commissioner Moore remarked that in past years there had been a guaranty, and in this particular instance they were removing that guaranty. Commissioner Katz stated that she understood this and that they also did it as an after-the-fact and did not accept the 50% discount, but she felt that some battles were worth fighting and others were not.

Commissioner Smith stated that he had been confused in regard to this issue. He understood that it was the County's lot, and they were going to let the City run the parking and take in an extra \$100,000, or they would get a private operator and the City would get nothing. Mr. Gottshall confirmed.

Commissioner Moore stated that there was an agreement now in place that guaranteed revenue for maintenance and employees, as well as the equipment, for managing the lot. This was now being removed and the opportunity also existed for the County to cease the relationship. He asked if the County was going to pay 65% towards the new equipment bought by the City that would be used in the management of this lot. Mr. Gottshall replied that the County was sharing the cost 50/50 with the City to install the new meter technology. The current 88 single meters presently on this lot were relatively new and the City had the opportunity to remove them and use them in their recapitalization plan elsewhere in the City, thereby saving the City approximately \$25,000 to \$30,000 in expenses.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve this item.

Roll call showed: YEAS: Commissioners Katz, Smith, Hutchinson, and Mayor Naugle. NAYS: Commissioner Moore.

**Amendment to Agreement - TASK Environmental, Inc. -
Project 8848 - Wingate Landfill Superfund Site/
Sampling and Analytical Services**

(M-12)

Commissioner Moore stated that he had pulled this item, and asked what the public outreach was in this particular proposal and what information they had gathered over the past, and what was going to be done in the future regarding the testing.

Mr. Kisela stated that in this contract there was no particular component for public outreach, but as results were received the City would publish them. He explained this was not the scientific technical aspect of this contract. This contract entailed taking the sample, analyzing it, and giving the results to the City's ETA and the Department of Environmental Protection.

Commissioner Moore asked if there was any guaranty that the information gathered would be distributed to the community. Mr. Kisela reiterated that they would commit to the Commission that it would be distributed, but that would not be the responsibility of TASK to publish it. Commissioner Moore asked if a third party would receive the information. Mr. Kisela stated that the information would be submitted to the State, the Federal Government, and to the TAG (Technical Assistance Grant) advisor. The information assembled would be approximately 3/4" to 1" of analytical data. Summary information would be supplied to the community regarding the results.

Commissioner Moore stated that he was urging the Commission to make sure that whatever information was gathered through this TASK assignment that it be furnished to the community and the Technical Assistance Grant person, so the information could then be explained to the community.

Commissioner Moore asked why the City was doing a five-year contract extension. Mr. Kisela explained

that it was a two-year contract. Under the record of decision, they were obligated to gather on a quarterly basis the analytical information to be submitted to the State and Federal Government. Depending on those results, they anticipated modifying the operation and maintenance plan and then bringing it back to the Commission at the conclusion of the two-year re-evaluation. Commissioner Moore asked if they were going to put this out to bid at the conclusion of the two-years, why could this not be done now. Mr. Kisela explained that whoever the City selected as the contractor would have to be approved by EPA and the Department of Environmental Protection.

Commissioner Moore asked for input regarding doing this at the conclusion of the two-year period. He felt it did make sense. He wanted everyone to understand that this Commission was making sure that all information regarding this site was accessible, as well as rotating the opportunity for different interests to evaluate it.

Mayor Naugle clarified that the City would then have the flexibility to select another contractor after the two-year period. Commissioner Moore agreed. Mr. Kisela reiterated that the EPA and the Department of Environmental Protection would have to approve the contractor.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve the item.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Amendment to Joint Project Agreement (JPA) -
Broward County - Riverland Village Area**

(M-13)

Commissioner Moore stated that he had pulled this item. He asked for some clarification of this work. He proceeded to ask who did the evaluation of what this work order would encompass, why it had not been seen beforehand, who did it, and when did they discover that it was not what they had put out.

Paul Bohlander, Assistant Utilities Services Director - Engineering, stated that there were basically three types of changes or additional cost items in this proposed amendment. To a certain extent, there had been an understatement of original quantities. He explained they had entered into an agreement with Broward County for the work, including design and construction.

Commissioner Moore asked if Broward County was at fault for not counting the proper fire hydrants and valves. Mr. Bohlander stated that in some cases the misstatement of quantities in the original contract was true, but it also involved errors on the part of the consultant. He added that all the prices which had been paid for the eventual quantities that were needed for the work were low-bid contract unit prices. In other words, they were competitive prices. Even though the quantities had increased, the payment made per valve was the low bid price for the unit.

Mr. Bohlander continued stating that the second category of changes were scope changes and occurred due to the fact that the City was not fully aware of the condition of all facilities prior to the initiation of construction. Until one got into an intersection and excavated the existing facilities such as water mains, one might not know the condition of the valves. He believed these were unforeseeable scope changes.

Mr. Bohlander further stated that the third category related to the conflict encountered with the storm drain which was similar to the unforeseeable conditions because the condition of the water main was not known until construction began. It was the City's responsibility in the County's right-of-way, which complicated the construction of the County's storm drain and resulted in additional costs. He explained that Broward County was sharing in the cost 50/50 with the City.

Commissioner Moore asked if the County would share 50/50 of the cost in regard to the valves since they had miscalculated the count. Mr. Bohlander stated that actually the valves were required as a result of the completion of the work, and the City felt it was their responsibility to pay for the valves. Commissioner Moore asked if the consultant should bear some of the responsibility for the misinformation. Mr. Bohlander replied if they had to negotiate a price and if the work was completed and then they had to go back and redo it incurring additional costs, then perhaps they would pursue some form of compensation from the consultant. But due to the situation and how things evolved, Mr. Bohlander did not feel the City incurred additional costs.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the item.

Commissioner Smith stated that upon reading this item, he was appalled that a government project of \$1.5 Million had a \$400,000 cost over run. He hoped they reviewed the matter and learned why this happened so they could prevent this from happening in the future and be more efficient.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Personal Computer Purchase Plan for FY 2002-03

(Pur-2)

Commissioner Katz stated that she had pulled this item. She asked how old or obsolete were the laptops they were wanting to replace, and would a laptop be provided for the Economic Development Department.

Kirk Buffington, Procurement Division, stated that in regard to Economic Development, Exhibit 1 listed the specific units to be purchased and 12 were listed for Community and Economic Development, which had been broken down in accordance with the CRA, Executive Airport, Housing and Community Development, and Marine Facilities.

Commissioner Katz stated that none were listed for the Economic Development Department per se, which they did not have right now, but when one was established they would need a computer. Mr. Buffington remarked that if a new office was established during the budget year, the office budget that would be established along with the personnel, included furniture, PCs and capital equipment that would be needed.

Mr. Buffington stated that in Exhibit 1 they listed how the laptops were being replaced. He explained that some of the laptops were running below the 300 mgh standard, and some were new ones. He further stated that Internal Audit were getting new laptops for greater efficiency and outside services. Commissioner Katz asked if it was ascertained that this equipment was really needed. Mr. Buffington replied that every item when added to the PC Plan was reviewed by the Department Director due to going into the capital budget, and was also reviewed by the entire IT team for compliance and compatibility.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve this item.

Tim Edkin, Information Technology Director, stated that many times a laptop was purchased in lieu of a desktop because one received more usage out of it.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

392-8156 - Contract Extension for ADA Consulting Services

(Pur-6)

Commissioner Katz stated that she had pulled this item. She asked if this had been awarded competitively in 1999, and if anyone else in town did this type of work.

Kirk Buffington stated that when the RFP had been done in '99, there were three other proposers who bid. He explained that this firm did a good job and did ongoing review of plans in progress, along with the permitting. He stated this could be rebid and explained the money would be as needed on a task order basis.

Commissioner Katz asked what was appropriate for rebidding. Mr. Buffington replied about every 5 to 6 years.

Motion made by Commissioner Katz and seconded by Commissioner Hutchinson to approve the item.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Settlement of Workers Compensation File Nos.
WC-85,394, WC-90-5851, WC-91-6391, WC-92-7516
and WC-00-10499 (Ronald Moore)**

(M-25)

Motion made by Commissioner Moore and seconded by Commissioner Katz to approve the settlement as recommended.

Roll call showed: YEAS: Commissioners Katz, Moore, and Hutchinson. NAYS: Commissioner Smith and Mayor Naugle.

**Speed Hump Installation - Imperial Point Neighborhood -
N.E. 22 Avenue Between N.E. 62 Street and N.E. 66 Street**

(M-26)

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the installation of speed humps as recommended.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Dispute Resolution - Consideration of Special Master's
Recommendation - Lauderdale Beach Hotel LLC Historic
Designation (HPB Case No. 27-H-01) and Site Plan
(PZ Case No. 51-R-01 and 1-DR-02)**

(M-27)

Motion made by Commissioner Smith and seconded by Commissioner Smith to approve the Special Master's recommendation with removal of seven units, construction mitigation, and historic review.

Mayor Naugle stated that he had an announcement to read regarding Item M-27, as follows:

This item was before the City Commission on April 23, 2002. At that meeting a portion of the property was designated historic on a Resolution 02-58. After historic designation, City Commission

denied the site plan for a beach redevelopment permit. From there the developer filed for what was commonly known as Dispute Resolution under the Florida Land Use and Environmental Resolution Act. Mr. Hugh Chappel was designated as the Special Master under the dispute resolution procedure. Proceedings were conducted September 18 and 19, 2002, resulting in a Special Master's Recommendation which includes a revised site plan. He added that Staff would first give a brief overview of the revised site plan and comments by the developer, and the City Commission would then open the floor to public comments.

Jim Koeth, Planning and Zoning, stated the Special Master's Recommended Order included a revised development plan. The revised development plan preserved portions of the existing structure designated historic. This included portions of the hotel fronting on State Route A1A between Poinsettia Street and Cortez Street. The western portion of the site would be a residential tower which would be 270' in height and 293' at its highest point. The overall project would have 155 multi-family units, a restaurant, coffee shop, retail shops, and a gym.

Mayor Naugle stated that he would continue announcing the process as follows:

At the conclusion of the presentations and hearing from the public, the matter would be returned to the City Commission, and they would then consider a motion to either approve the Special Master's Recommendation, reject it, or approve it with conditions.

Neil Kalis, attorney, introduced the members of the development team.

Commissioner Katz left the meeting at approximately 6:58 p.m. and returned at 7:01 p.m.

Mr. Kalis stated that he was going to backtrack to the inception of the project, and then explain its current status.

Commissioner Moore left the meeting at approximately 7:00 p.m. and returned at 7:02 p.m.

Mr. Kalis stated that in early 2001, his client decided to redevelop the Lauderdale Beach Hotel. At that time he and Mr. Forgea met with staff in the Planning Department and ascertained the issues that needed to be addressed in regard to redevelopment of the site. An architectural theme was decided and meetings were held with various groups in the community. On October 17, 2001, the project went before the Planning and Zoning Board and was approved. Then, Mr. Glassman filed an application for historic designation for the hotel. Ultimately, in January, 2002, the Historic Preservation Board indicated that the site should be designated. On April 23, 2002, this matter came before the City Commission, and concessions were made and compromises were agreed to which resulted in the owner of the property agreeing that a portion of the hotel would be designated as historic.

Mr. Kalis further stated that a dispute resolution process was entered into hoping an agreement could be reached for a project that would meet all staff's concerns. Recommendations were made and a redesigned project was developed. He proceeded to show elevations of the property. He also showed some 3-D images which duplicated the site to show what it would look like after construction of the project.

Mr. Kalis explained that the condominium changed from an old Florida vernacular style to something which would now compliment Roy Francis's art deco look. He also proceeded to show aerial photographs of the site. He also explained that they would utilize the lobby of the hotel as a historic restaurant. Renderings drawn by interior designers were then shown. He proceeded to urge the Commission to adopt and accept the recommendation of the Special Master.

Mayor Naugle opened the public hearing on this matter.

Jason Slatkin, representing Steven Glassman and Diane Smart, stated that he had delivered to the Commission his Memorandum in Opposition to the Recommendation of the Special Master. He stated that he was aware that a letter had been sent to the Commission Office by Paul Edmondson, Vice President and General Counsel for the National Trust for Historic Preservation in Washington, D.C.

Mr. Slatkin stated that they had been through the process twice, but one aspect had not yet been addressed which was review by the Historic Preservation Board regarding the modified site plan which incorporated the historic structure. He felt they needed to implement the procedures which had been designed to protect it. This was the main thrust of their position this evening. Mr. Slatkin stated that during the Special Master's proceeding six issues were raised and none were historic in nature. He explained that those issues were the by-product of the modified plans which were not at issue in the amended request for relief or the City's response. It was the designation of a portion of the hotel as historic and the consequential decision to decline the original site plans which were at issue before the Special Master.

Mr. Slatkin stated that the six issues raised should be presented before the appropriate boards for their review. In reviewing the Code, he felt the issues raised should be reviewed by DRC and P&Z, and then return before the Commission with those Boards' recommendations.

Mr. Slatkin further stated that he believed there were also procedural defects which occurred at the Special Master's proceeding. The Statute regarding the request for relief stated that the hearing was to be opened to the public, and it was not. He stated they were invited to participate regarding various issues, but then were asked to leave the room so the parties could attempt to resolve the issues. He believed they should have been allowed to sit in during the mediation of the issues, along with any of the public who desired to do so. He also raised the issue regarding proper notification for the meetings held on September 18th and 19th. They believed the six issues which had been raised should not have been discussed at that time, and felt it was premature. Mr. Slatkin stated that the Commission's designation of a portion of the hotel as historic should have been discussed at that point, along with denial of the original site plan.

Commissioner Hutchinson asked if there was any validity to Mr. Slatkin's statements, especially in regard to the historic designation issue.

The City Attorney stated that in the City's opinion, when entering into a dispute resolution, you resolved all disputes at the time. The order before the Commission was proper and he recommended that the Commission approve it.

Mayor Naugle asked for further clarification regarding the statement that portions of the meeting were not opened to the public. The City Attorney stated that the client did participate in the mediation, and the procedure was to split the parties. Mayor Naugle asked if the State statute required that the public be present. The City Attorney replied it did not.

Mr. Slatkin proceeded to quote Subsection 17, of Florida Statute 70.51. He stated that he agreed with the City Attorney regarding the fact that during mediation quite often the mediator would caucus with each party in order to facilitate a settlement. He further stated there was a convening of both parties before the Special Master and members of the public were not permitted to be present. He believed it was not done intentionally with any malice, but possibly an oversight.

Judy Scher, President of Birch Crest Condominiums, stated that they were building a condominium hotel going east to west on Bayshore erecting a huge wall of concrete, and additional walls would be created going north to south along the beach. She stated that she was also concerned about the traffic, noise, emergency services, and other issues. She asked when this would be reviewed properly and thoroughly and done in a reasonable manner. She believed the City was starting to look like another Hallandale and

Miami Beach.

Albert Miniachi, landowner, stated that all guidelines were met in regard to this project and he supported it. He further stated that he had been involved with the ULI during the past week, and he believed that this hotel was what the panel had recommended for the beach.

Fred Taylor, owner of 'Wish You Were Here Inn,' which was one block from the proposed development. He stated that he had worked with Mr. Forgea, the Beach Council and other community organizations during the past 17 years so the City could be improved. He further stated that Fort Lauderdale was one of the most magnificent cities in the world with beautiful beaches. He realized that everyone did not agree with his statement and used the media to further their opinions. He felt that some great development had taken place in the City and he hoped it would continue.

Tim Schiavone, Parrot Lounge and Chairman of the Beach Council, stated that he did not feel this was a matter for litigation. He continued stating that a responsible development was being offered, along with some reasonable historic preservation. He urged the Commission to take the lead and do the right thing for the beach.

Eileen Helfer, President of Harbor Haven, stated that she had been fortunate to be involved in the beginning of this project when it went before the DRC. This was a project which did not ask for any variances. She stated that a presentation was made to the Beach Redevelopment Advisory Board and they were informed that a Master Hearing was going to be held. She urged the Commission to approve this project.

Dorothy McAvoy, Harbor House North, stated that they approved this project.

Shirley Smith, Central Beach Alliance and Beach Redevelopment Board, read a statement from the Board for the Central Beach Alliance who supported the cooperative efforts being made in this project.

Chris Pollock, President of Great Fort Lauderdale Lodging & Hospitality Association, stated that they believed this was a good project, and it was an example of what the ULI was suggesting for the beach. He urged the Commission to support this project.

Aaron Tempkin, architect and professor of design, stated that he felt they were at a critical point in this project. He stated that the developer and architect appeared to present a thoughtful project, but it appeared to be substantially different from the original design. He felt this project needed to go through a more thorough review process. He questioned whether the portion of the historic building which was being saved was going to be used in a way that would preserve historic validity.

Steve Zellerman, Executive Vice President for Home and Fine Decorators, stated that he had known Alan Forgea for a long time, and felt that he understood tradition and landmarks and what they meant to the community. He further stated that a great deal of thought went into what was going to be done in regard to the restaurant in the lobby. They felt integrity was the most important issue. He stated that this project was a great compromise and he was proud to be part of it.

John Street, Board member of Central Beach Alliance, stated that they supported this project and a reasonable compromise had been reached.

Susan Peterson, writer and swimmer, stated that she realized a lot of hard work had gone into this project, and the idea of preserving part of the hotel was important. She felt the aesthetics were not appropriate for the building and that it was not attractive for the beach.

Charles Jordan, Chairman of the Historic Preservation Board (HPB), President of the Broward Trust for

Historic Preservation, and real estate developer, stated that he played by the rules, yet other people appeared to "make deals" and do whatever they wanted with their property. He stated that "City Planning by Threat of an Attorney" was a wrong concept and that all developers should play by the same rules. He further stated that the Historic Preservation Board should be allowed to exercise their role as described in the Ordinance. He asked what good had been accomplished by designating the property historic when "back room" deals were made with developers in order to avoid a public appearance before that board. In this case a mediator decided what was important and what should be preserved. No public input was given, nor professional planning which was in opposition to the Ordinance. Mr. Jordan explained that the HPB had the expertise necessary to examine the issues of compatibility, appropriateness, historic context, and impact on the adjacent properties, but yet their recommendations were ignored. He stated that the City "blinked" and a "private deal" was born. He stated that this project was a compromise of values, fairness, and integrity of the process. He further stated that you did not have to be a preservationist to object to the proceedings. He believed this project should be forwarded to the Development Review Committee, Planning and Zoning, and the Historic Preservation Board for their input, and then the Commission could make an educated decision based on the Boards' review and recommendations.

Randall Robertson, Miami Beach Historic Preservation Board, stated that Roy France came to Florida in the early 1930's and by the end of WWII he was "King of Miami Beach Hotel Architects." He urged the Commission not to lose sight of their role as custodians of Fort Lauderdale's architectural establishment and maintain the integrity of the process.

Vicki Mawry stated that she urged everyone to vote in favor of this project which would be good for the City and enhance the neighborhood. She believed that this project would meld some history of the beach with the future of it.

David Carab stated that he owned Virtual 3-D Inc. who did the 3-D images for this project. He stated that this project should be approved and the Commission would be doing a disservice to the City if they did not approve it. Great effort was put into redesigning this project and incorporating the historic preservation of the building.

Christopher Eck, Broward County Historic Commission, stated that he had the opportunity to work with the development team and the preservationists in regard to this project. He felt there were two parties involved, each with their own perspective who were acting in good faith. He felt that historic preservation had always been a dialogue between the community and the property owners in the area. He believed that people were attempting to compromise in this project, but he wanted to remind everyone of what the City's role was in regard to declaration of public policy and historic preservation ordinances which were in existence today.

Mr. Eck proceeded to state that historic preservation was deemed a public necessity by the City's Ordinance in order to regulate the aesthetics, zoning, and development of the City. He was concerned if developments were designated and then did not go back to the Historic Preservation Board for Certificates of Appropriateness as required, this circumvented the necessity. He felt that given the circumstances of this development, this project was a compromise. Mr. Eck stated that the Commission should not have any reservations regarding designations as a general concept. Many historic issues were arising now in the City and was part of the maturation of the community. To insure the City preserves what was the best, they needed to respect the process. Mr. Eck stated that Historic Preservation Law was not something which could be attacked on Bert-Harris as an undue burden or taking, and that concept had been dispelled by both State and Federal Courts. He further stated that Historic Preservation had been upheld for more than 100 years, and the Commission should be comfortable in regulating an Ordinance which had been around for 30 years.

Commissioner Moore left the meeting at approximately 7:41 p.m. and returned at 7:48 p.m.

Doug Blevins, property owner, stated that he met with Mr. Forgea and went through the hotel and felt this project was a marriage of two beautiful concepts and ideas, and kept the best of both worlds. He further stated that these developers were willing to work with the community and showed good faith. He urged the Commission to support this endeavor in continuing to beautify the City.

Ken Crawford, Designer at Home of Fine Decorators, stated that he had known Mr. Forgea for a long time and he put great thought into this project. He was retaining the historic building, but still looking toward the future. He was very impressed with Mr. Forgea's work and urged the Commission to support the project.

Keith Davis, real estate broker, stated there were many positive results in developing this site as an owner/occupied residence instead of a transient business. He further stated that this project would increase the tax base for the City, provide job opportunities, increase purchasing of local materials, and bring in affluent buyers to stimulate the local economy at the beach through purchase of the residential units. He continued stating that the hotel as it existed was past its life expectancy, and the best use for the site was the current development. The current owners should be allowed to do as they see fit with their property, and individuals who had no financial interest in the property should not be permitted to dictate its use. He urged support for this project.

Darcy Beaman, Beach Council, stated that they supported this project, and that she personally supported historic preservation, but believed it should not be used as a tool to stop future development.

Joe Hessmann stated that the hotel had a long history and had been a world-class destination. He proceeded to thank Commissioner Smith for keeping the residents aware of what was happening in regard to this project. He further stated that in order to keep the history and add to the future, he urged the Commission to support this project. He also congratulated Mr. Forgea and his staff on the project and all their efforts.

Walter Morgan, representative of the Gill Hotels and Family, stated that they had helped develop the history on the beach. The Gill Family reviewed the plans and they felt this project would be good for the beach. They commended the Commission for seeking this compromise and felt that the developer should be permitted to move forward with the project.

Danwin Kahn stated that he supported this project and felt the developers did a great job in preserving history, but still were moving toward the future. He felt that denying this project would be stagnating the growth of a major city. He believed the City was his future and wanted to see it progress.

Hugh Chappell, Special Master and Mediator in this case, stated that the hearing was in full compliance of all rules. He further stated that the Florida Land Use and Environmental Dispute Resolution Act provided for the parties, which were the Lauderdale Beach Hotel and the City, to attend the hearing. Other interested parties were invited to attend, but were not parties to the proceeding, and were permitted to participate but without party or intervener status. Participation would be limited to advising on issues raised regarding alternatives, variances, and other types of adjustments to the development order or information necessary that could impact the substantial interest. The hearing was held and the parties summarized their case. There were two phases to this process. The first step was mediation which was where the mediator met with both parties and attempted to resolve the issues. He also met with the interested parties and received input regarding the project. If agreement cannot be reached, he then becomes a Special Master and a hearing was conducted and evidence presented whereby he would have witnesses and make findings of fact. This step was never reached because the dispute was resolved through a mediation process.

Mr. Chappell further explained that both sides presented their case. The hearing was adjourned and they formed caucuses. Compromise was reached and Christopher Eck was very helpful in offering alternate

designs for the exterior of the building. A preliminary agreement was reached regarding the basic issues, and the development order was then prepared. He explained that there were several issues that the interested parties were concerned about, and those items were as follows:

1. During construction the old section of the building should not be destroyed or damaged; and
2. Someone with the expertise necessary would be involved in the process of the interiors.

Mr. Chappell reiterated that the meeting was an open and free meeting where everyone could express their concerns and issues.

Mayor Naugle asked if there was any time when the City and the developer were in the room at the same time discussing matters and the public was prohibited from attending. Mr. Chappell stated that when the two parties caucused, it was not open to the public because it was something that was sometimes done in mediation. It was not an open hearing.

Jason Slatkin stated that it was noteworthy to point out that the remaining structure was going to be modified significantly. He explained that it called for the modification and build-out of five condominium units in excess of 3,000 square feet. He further stated that the comments they made at the mediation were in regard to the aesthetics of the exterior only. He prefaced that they were concerned with the process and did not want their participation as a waiver of that objection, and that had been put on the record by Mr. Chappell. He did not want the Commission to believe that they had participated in the entire process. He stated that they took the opportunity to meet with the architects regarding aesthetic modifications for the exterior of the garage in order to tie it in with the historic structure. The five units to be constructed needed to go before the Historic Preservation Board in order to make sure it would be in compliance with the Code.

Mr. Slatkin further stated that six issues were announced at the onset of the meeting. There was no relief under the Code regarding two issues. One issue was the FAR, which entitled the public to give input and that had not been done. Off the record, Mr. Slatkin stated that he had asked Mr. Chappell if a recommendation was going to be issued in the proceeding. He stated that he should have asked this on the record because the answer was affirmative and it presupposed that a hearing was conducted and opened to the public according to Code. He recognized that the parties wanted to take an informal approach and he commended them for that. He was dismayed that a recommendation was to be issued. He thought that a mediated settlement agreement was going to be the only item that would come out of that session.

Charles Forman, resident, stated that he felt the facts were simple, clear and very straight forward. Mr. Slatkin's memorandum was a good starting point and read paragraph 7 which referred back to the Commission's previous vote. In it, Mr. Glassman and Ms. Smart agreed that they would not oppose demolition of the western portion of the hotel so long as the eastern portion remained and was incorporated into the modified site plan. Mr. Forman continued stating that the Commission went from that point to making a determination which was incorporated into Resolution 02-58 approving the designation of a portion of the hotel that the parties had agreed upon, and included in the resolution a portion of the lots bounded on the northeast and south by the property lines, and by the westerly limits of the designated portion described. He proceeded to explain that there had been no designation of anything regarding the interior of the hotel, and that had not even been requested at the time.

Mr. Forman further stated that Mr. Slatkin had stated that the issue regarding the historical nature of the structure was not addressed during mediation. Mr. Forman reiterated that paragraphs 7 and 8 covered all issues voted upon regarding the project and the preservation of the remaining structure.

Commissioner Smith asked what was going to be done with the preserved structure. Condominiums

were going to be built and the lower floors would include a historic restaurant. He was concerned about the restaurant and lobby and wanted to make certain the community would get the most from the project. He felt they needed a historical expert to assist in the creation of the theme of the restaurant and asked if they would commit to placing resources on the table so someone could be hired for this type of work. He suggested they form a relationship with the historical people in the community and retain them as consultants for the creation of the restaurant.

Mr. Kalis stated that discussions were held regarding this concept and they felt an opportunity existed to establish a model whereby they could work with the City and the Historical Society in designing the historical theme for the restaurant. They felt this was an opportunity for the public to see historical items germane to the beach area. He stated that they were willing to make such a commitment and provide the necessary resources.

Commissioner Smith asked if this commitment could be included in the approval this evening.

The City Attorney replied that the commitment could be included, along with a dollar amount, but he preferred the consultant not be named.

Commissioner Smith stated that he felt it was important that as this restaurant was built out, exhibits could be included which were in storage and he was not sure what the dollar amount was to cover this aspect of the project. He suggested that possibly \$10,000 be committed for the original decoration of the restaurant, and a \$2,000 stipend be given annually over the next five years. Mr. Kalis agreed.

Commissioner Smith proceeded to ask about the construction of the building. He stated that when Jackson Towers was built there were many problems on the beach and he fielded many, many complaints and wanted to go on record stating that he would not do that during this construction. He stated that he wanted some special agreements between the developers and the City regarding mitigation of the construction. He felt the surrounding areas needed to be shrouded during the pouring of concrete and did not feel that a 3' screen was adequate.

Mr. Kalis stated there was a mitigation and site management plan that had been submitted for the project, and he proceeded to read paragraph 2 regarding the construction. Commissioner Smith asked the developer to go one step further beyond what was proposed.

Jim Palermo, Moriarity Construction, stated that OSHA requirements for a perimeter protection were 42" and not 3 feet. He explained they could make it as high as they wanted, but needed to take into consideration the location of the site due to winds from the ocean so an unsafe condition would not develop. He stated that a temporary type of barricade could be constructed to handle the overspray and this could solve the problem.

Commissioner Smith stated that he would be satisfied with such an arrangement, but did not understand the concept that taller was not better. Mr. Palermo stated that it was due to the support of the system which was engineered at 200 lbs. of thrust at 42 inches. He explained that it worked at 4', but any higher required diagonal bracing which was impossible on the outside of the building, and was very cost intensive. He reiterated that doing the temporary vertical protection at the vertical placement of the concrete would solve the problem. Commissioner Smith asked the Director of Construction Services if these recommendations would solve the problems.

Cecelia Hollar, Director of Construction Services, stated that she had spoken with John Smith on many occasions when experiencing these problems with various projects, and two issues were involved. One was that Florida had different weather conditions and how much of a barricade that could be erected was regulated by OSHA as to the health of the individuals constructing the building. She felt they could work together and develop something that would go as high as possible without overstepping their bounds in

regard to OSHA concerns facing the contractors.

Mr. Palermo explained that the columns on the perimeter of the building would be no larger than 30", so they could do a 6' to 7' wide vertical section which would be erected and then removed after the concrete work was completed.

Commissioner Smith stated that if this building was approved and these parameters did not work, he hoped the building official would shut down the project immediately. He stated that he was very serious about not having complaints from the surrounding neighbors. He felt they were providing too much parking for the building and explained that the beach was an entirely different situation. Besides having the required spaces for the condominium units, they were required to have a lot of parking for the restaurant and gym. He felt it was unnecessary because people would not be driving to the beach to go to those amenities, and would be used by the tourists on the beach and surrounding residents. An occasional member of the public would drive there, but not to the degree being required for the parking.

Mr. Kalis stated that this matter had been discussed quite extensively because they were concerned about asking for a 62 parking space reduction. Marketing wise, they needed to review what was needed to service both the condominium portion and the commercial area.

Commissioner Smith stated that he appreciated all the public's comments regarding this project. The project was within the Code and presentations were made to the surrounding neighborhoods, and then at the 'Eleventh Hour' an application for historic designation was made, and he thanked Mr. Glassman for doing this. He stated that the application should have been presented by the City Commission a long time ago, and other buildings in the City which did not have historical designation needed to be preserved and it was the responsibility of this Commission to see that it was done. Due to the change of events which occurred because of the designation, meetings were held with everyone concerned and compromises were reached.

Commissioner Smith stated that he felt the building was too big and had been trying as the beach Commissioner to have the size of buildings reduced for the area, but never received support from the existing Commission. He also believed it was not appropriate to build a condominium on the site. He stated that he was satisfied with the process everyone went through to reach the compromise, and that they were ending up with a very good product. Short of the things he added regarding construction mitigation and the inclusion of the services of a historical consultant, he was prepared to be in support of this project.

Commissioner Moore thanked everyone for their efforts in regard to this project. He felt there should not be "no 300' projects" and "no height rule," and thought there should be a development review which would be conscious of what was occurring in the community so a developer would not have the right to state that he built his project within the envelope and the City had no input. He felt the developments should be permitted based upon what the Board and the Commission felt was in the City's best interest. He realized many people felt that restrictions provided safety, but he feared these issues permitted a developer to come in and build horrible looking facilities. He desired the community to have a development which would enrich the area, but the present rules on the table did not provide such an opportunity. He felt the Commission should consider recommendations made by the Historic Preservation Board regarding designations.

Commissioner Moore stated that there was also another side to the attorney issue which was the "Eleventh Hour" stoppage by a historic request. The possibilities of the Bert-Harris Act and the utilization of the law which could impact a development had been used in this process, as well. He asked various Boards and the Commission that any future developments be done in a 3-D format so the public could have a visual impact of what the developers were proposing. He felt this was the best and the only such presentation made to the City and applauded the developer for doing this. The other issue in this matter

was that when the developer fell within the envelope, many issues being reviewed regarding variances were not necessary because the first proposal fell within the envelope, but due to the desires of the historic community, the developer was now impacted with certain guidelines which could not be changed due to the building's preservation.

Commissioner Moore stated that he was in favor of a historic consultant being utilized for the project. He hoped the developer would follow all recommendations made regarding construction debris. He further stated that when the Special Master had been considered as a method of mediation, he felt then that this project had gone through all proper procedures and the letter of the law had been met. He stated that he was in full support of this development and commended the developer in finding ways to continue ongoing dialogue with interested parties. Commissioner Moore added that the market place actually guided whether condominium units or hotel suites should be built.

Commissioner Hutchinson stated that she was in the minority regarding this project. She realized that the developer and architect were trying to do a good job and please everyone involved, but unfortunately she saw the historic designation as a positive, and not a hindrance. She further stated that her issue dealt with the process. She felt the project had changed after going through DRC, Planning and Zoning, Historic Preservation, and the Commission. Appropriate advisory boards had been put into place to review site plans and make them the best they could be for the City. She felt this project needed to go back through the process. She supported the designation of the entire hotel because she felt things could still proceed and yet designate the property. She felt they needed a Certificate of Appropriateness because she was a firm believer in this, and in good conscience she could not tell people in her district who occupied historic structures that they would be exempt. If this project went back through the project, she would offer her support; otherwise, she'll be in the minority. She explained that did not mean she didn't think the project was worthy, but it had to do with the process.

Commissioner Katz stated that from what she understood the dispute resolution process was so you didn't have to go back through the process. Going back through the process not only would add time to the project, but cost. She stated that she would prefer seeing medium-rises and low-rises on the beach, but the Code had not yet been changed to demand such type of building. She believed this should be done as soon as possible. Originally, she thought they were trying to save the historic hotel, and that was done. She explained that although there had to be trade-offs, the City did not offer anything in return for the historic designation. No money nor incentives were offered. She felt that if the City wanted historic designation, they would have to find the grants and means of giving forth incentives so people would do it. The City should make the effort to help in this matter.

Commissioner Katz further stated that she did have a problem with the FAR and the shadowing on the beach. She suggested a solution be offered such as lowering the height of the building.

Commissioner Hutchinson asked if the shadow was cast because of the smaller structure, and not the taller one. Mayor Naugle and Commissioner Katz reiterated that both structures were involved.

Mr. Kalis stated that the existing hotel and clock tower created a shadow on the beach which was in excess of the current requirements. The proposed new tower cast a shadow the same as the existing buildings on the south side.

Commissioner Katz asked if the FAR could be somewhat reduced and for them to deal with the shadow caused by the new structure.

Mr. Kalis stated that he would have to discuss the matter with his clients before making a recommendation or commitment. If you eliminated the historic preservation of the building, the FAR would be well below the 6.0. He asked if he could have a few minutes to meet with his clients regarding this issue.

Mayor Naugle stated this was something which could be addressed during the normal process. He suggested that possibly this matter be tabled until the project went through the correct procedure. Commissioner Katz felt if this issue could be solved tonight, it would save time, effort and money.

Commissioner Smith stated he had no objection to Mr. Kalis discussing these issues with his client, but would also like them to reconsider the parking issue. Mayor Naugle reiterated that the developer would save a lot of money if the parking did not have to be provided and could be an incentive for them.

Meeting was recessed at 8:50 p.m.

Meeting was reconvened at 9:00 p.m.

Mr. Kalis reported that they would like to eliminate some of the parking, but in order to remove a level of parking each level at that point of the building was 108 spaces. Therefore, this would reduce the parking from 458 spaces, which was 61 less than what the Code required, to 350. He suggested that the consultant, Tom Hall, address the issue of whether 350 spaces would be sufficient for the project.

Tom Hall, Vice-President of Miller consulting, stated that he commended Commissioner Smith that the City's parking code was based on a suburban standard and did not adequately address the need for or lack of parking on the beach. He explained that the beach had similar characteristics to an urban downtown so less parking was needed. However, some parking was needed, especially for the residents of this project, and that would total 319 spaces. To drop down one level of parking, they would now be within 31 spaces of just providing parking for the residents, and he felt that would not be sufficient due to the restaurant and other amenities being provided. He felt 400 spaces would be sufficient.

Mayor Naugle stated if the number of units were reduced, the number of parking spaces would decrease, thereby reducing the height of the building and the FAR. He reiterated that it might not reduce their profitability because they would save by having one less floor of parking.

Commissioner Smith stated that the traffic and parking report prepared by Kittelson stated that the demand would be for 312 to 407 spaces. Mr. Hall explained that 312 spaces were too few for this project to work, and did not meet the minimum code requirements for the residential component.

Mr. Kalis stated that in order to do the historic preservation without assistance from the City, they had been told the cost would be \$1 Million over the cost of a new structure. He believed they had gone through the process twice and wanted this project finalized. He made the following proposition: They would remove one floor in the tower which would be an approximate 10' reduction consisting of 7 units. The gross revenue for those units were estimated at \$6 Million, but his client authorized this move if it would bring finality to the project.

Commissioner Katz asked if that proposal would change the FAR. Mr. Kalis explained that the FAR would be reduced, and would assist in the shadow issue. Commissioner Katz asked if less parking would be needed. Mr. Kalis stated they could not remove one entire floor.

Mayor Naugle stated that he believed this project should go before the Historic Preservation Board and Planning and Zoning. He complimented the mediator on his hard work in following the instructions of the Commission. He stated that he was concerned about the number of units and was happy they would be eliminating seven of them, but did not feel that was enough. He did not feel the original building had been built in accordance with the regulations due to the number of units. There was evidence in the Comprehensive Plan which supported limiting density on the beach. He stated that during the zoning process, he made a motion to eliminate density on the beach, but was not seconded.

Mayor Naugle stated that when the Galt Ocean Mile had been built, the density allowed for large apartments and was 40 units to the acre. He felt they were on solid legal ground in regard to limiting density on the Barrier Island. He also believed that this development exceeded the FAR which was 10% over the allowable figure of 6 which he believed was still a high figure. Mayor Naugle stated that the shadow ordinance issues that this project exceeded were wrong, but he did agree that less parking would be needed on the beach in the future because local residents would not want to go there due to the existence of the large buildings. He further stated that he could not support this project, but would support sending the project through the process so input could be received.

Motion made by Commissioner Moore and seconded by Commissioner Smith to accept the proposed item, along with the proposed conditions regarding the removal of the seven units, the construction mitigation, and historic review.

Roll call showed: YEAS: Commissioners Katz, Smith, and Moore. NAYS: Commissioner Hutchinson and Mayor Naugle.

**Application of Dock Waiver of Limitations - John E. Rudnik -
2807 N.E. 36 Street**

(PH-1)

A public hearing to consider a resolution authorizing the proper City officials to waive the limitations under section 47-19.3(d) of the City's Unified Land Development Regulations (ULDR) to allow John E. Rudnik to modify and maintain a dock and boat lift that extends in the Rio Mary Rita Canal a maximum distance of 20 feet from the property line, where only an 11.5 feet distance is otherwise permitted. Notice of public hearing was published November 8 and 25, 2001; on November 20, 2001, the City Commission deferred consideration of this item to January 8, 2002 by a vote of 5-0; on January 8, 2002, the City Commission deferred consideration of this item to March 19, 2002 by a vote of 5-0; on March 19, 2002, the City Commission deferred consideration of this item to June 18, 2002 by a vote of 5-0; on June 18, 2000, the City Commission deferred consideration of this item to September 17, 2002 by a vote of 5-0; and on September 17, 2002, the City Commission deferred consideration of this item to October 15, 2002. On October 15, 2002, the City Commission deferred consideration of this item to November 19, 2002 by a vote of 4-1 (Hutchinson).

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-195

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING THE LIMITATIONS OF SECTION 47-19.3.B OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW JOHN E. RUDNIK TO MAINTAIN A BOATLIFT ATTACHED TO A DOCK THAT EXTENDS INTO THE RIO MARY RITA CANAL A MAXIMUM DISTANCE OF 20.0 FEET FROM THE PROPERTY LINE FOR THE PROPERTY LOCATED AT 2807 N.E. 36TH STREET, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Application of Dock Waiver of Limitations - Venetian
Condominium, Inc. - One Las Olas Circle**

(PH-2)

A public hearing to consider a resolution approving an application by Venetian Condominium, Inc. for dock waiver of limitations under Section 47-19.3.D of the Unified Land Development Regulations (ULDR) for property located on New River Sound with an address of One Las Olas Circle. Notice of public hearing was published November 7 and 14, 2002.

Motion made by Commissioner Moore and seconded by Commission Hutchinson to close the public hearing.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-196

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING THE LIMITATIONS OF SECTION 47-19.3.B & C OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW VENETIAN CONDOMINIUM, INC. TO CONSTRUCT AND MAINTAIN SIX (6) FINGER PIERS AND FOURTEEN (14) DOLPHIN PILINGS, THAT EXTEND A MAXIMUM DISTANCE, MORE PARTICULARLY DESCRIBED BELOW, FROM THE PROPERTY LINE INTO THE INTRACOASTAL WATERWAY FOR THE PROPERTY LOCATED AT 1 LAS OLAS CIRCLE MORE PARTICULARLY DESCRIBED BELOW.

Commissioner Katz stated that the report issued said that this was on the Intracoastal and it was 342', but in looking at the picture it did not appear to be located on the Intracoastal. She proceeded to ask if someone docked a perpendicular boat 50' would there be enough room for a boat to pass.

Jamie Hart, Marine Facilities, state that there would be adequate room. He explained that the Intracoastal by definition was considered shoreline to shoreline.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Public Purpose Use/Site Plan Approval/RAC-SMU -
Florida Power and Light - Orchid Substation
(PZ Case No. 97-R-02)**

(PH-3)

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 8-1 that the following application be approved. Notice of public hearing was published November 7 and 14, 2002.

Applicant: Florida Power and Light (FPL)
Request: Public Purpose Use/Site Plan Approval/RAC-SMU
Location: Northwest Corner of S.E. 3 Avenue and S.W. 7 Street
(645 S.W. 2 Avenue)

Any individuals wishing to speak on this matter were sworn in at this time.

Dennis Mele, representing applicant, stated that there were three substations on the agenda. The first one, Orchid, was a new planned station, and the next two items were retrofits and improvements to existing stations. In regard to the Orchid Substation, he stated they were surrounding it with a walled structure and architectural treatment which had been reviewed by the neighborhood, as well as DRC and Planning and Zoning.

Mr. Mele stated that south of 9th Street, the transmission lines ran along the railroad tracks, but upon reaching 9th Street and going north, the lines ran through the neighborhood. As part of the construction of this substation and the need to feed it with transmission lines, the lines between 9th and 5th would be relocated to the railroad corridor and out of the neighborhood. Certain poles existed in that area which were taller poles because of supporting the transmission lines, so once the lines were removed they would replace those poles with smaller ones or completely removing the pole.

Mr. Mele continued stating that to the north of 5th Street, there was a desire of the neighborhood to have the lines relocated along the railroad corridor. This could not be done yet because they did not have all the easements necessary north of 5th Street in order to move the lines, and secondly, because that portion of the transmission line relocation was not necessary for or related to the actual construction of the substation, and could not be done as part of the substation work. He explained that they would have to work with the benefitted parties of the relocation to get the extra cost paid for. In this case the benefitted parties were the developers in the area, and no cost would be passed on to the residents of the neighborhood. Mr. Mele further stated that even if this item was approved, they would be committed to continue working with the residents and developers in the relocation of the lines north of 5th Street.

Mayor Naugle asked if they were considering placing the lines under the river. Mr. Mele replied that cost estimates had been done, and the rough estimates exceeded \$4 Million. Rough estimates were also done in regard to relocating the lines above ground along the railroad corridor which came in at \$1.25 Million.

Mr. Mele also stated that other items which had been raised in regard to this project was lighting. Lights would only be on during maintenance or emergency situations.

David Rose, President of Tarpon River Association, stated that Andy Ziffer had been working with FPL to resolve the many issues surrounding these projects. Part of the deal for these projects was that the old station had to be upgraded in regard to its visual impact on the neighborhood. He thanked everyone who had worked on this project and resolution had been reached on the issues, except for the relocation of the power lines from 5th Street out of the neighborhood. He stated the property owners in that area would be the primary beneficiaries from a cost standpoint.

Mr. Rose continued stating that contingent upon FPL working with the residents and returning with better cost estimates, they were prepared to move forward with this project. If a reasonable resolution could not be agreed upon, matters again would be raised and progress upheld at the time of the second reading. He stated that the stations and lines were an impairment to the neighborhood and the things FPL was attempting to do to help the visual affect for the neighborhood, were big improvements and were appreciated by the residents. He proceeded to show pictures of the substations.

Commissioner Hutchinson stated that since they had come so far with this neighborhood, she asked if they could come to some sort of resolution regarding the recommendations being made by the

neighborhood before the second reading.

Mr. Mele stated that before the second reading they would have a better cost estimate to present to the residents.

Commissioner Hutchinson disclosed that in regard to the Orchid Substation, she had talked to Lynn Shatas, Dennis Mele, Pamela Adams, and residents of the area. Commissioner Smith disclosed that he also had talked to Lynn Shatas and Pamela Adams. Commissioner Moore disclosed that he had spoken with Lynn Shatas, Pamela Adams, and Dennis Mele.

Chet Williams stated that he lived on the street which was adjacent to the substation and explained that he had a petition of 34 signatures against this project due to health issues. He asked if any type of research had been done regarding the health issues.

Mayor Naugle stated that if there was not anyone in the audience who could furnish this information, possibly at the second reading someone could address these concerns.

Mr. Williams also stated that the residents in the area had not been contacted regarding this project.

Mr. Kisela, Assistant City Manager, stated that the health issues had been addressed by the FPL Committee over the last 6-7 months. The matter had been researched by Jim Baxter, R.W. Beck, and the studies were pretty inconclusive as to whether there were any health impacts on the residents.

Mayor Naugle asked if FPL was willing to meet with the residents in the neighborhood before the second reading. Mr. Mele agreed to meet with the concerned residents.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to close the public hearing.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-02-36

AN ORDINANCE APPROVING A PUBLIC PURPOSE USE OF PROPERTY FOR A FLORIDA POWER AND LIGHT ELECTRICAL SUBSTATION LOCATED AT 645 SW 2ND AVENUE IN FORT LAUDERDALE, FLORIDA, IN AN RAC-SMU ZONING DISTRICT THAT DOES NOT MEET CERTAIN REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS; GRANTING RELIEF FROM THE LIST OF PERMITTED AND CONDITIONAL USES FOR AN ELECTRICAL SUBSTATION IN AN RAC-SMU ZONING DISTRICT; THE MAXIMUM HEIGHT REQUIREMENT FOR FENCES AND WALLS; AND THE PARKING REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only.

Mayor Naugle stated that he hoped they did seriously consider finding a way to solve the river crossing

dilemma. There had been several power outages and people injured and \$4 Million could easily be incurred in a lawsuit due to those lines. For the benefit of public safety, he urged them to consider this matter.

Mayor Naugle disclosed that he had been to the site.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Public Purpose Use/Site Plan Approval/U -
Florida Power and Light - Southside Substation
(PZ Case No. 119-R-02)**

(PH-4)

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 8-1 that the following application be approved. Notice of public hearing was published November 7 and 14, 2002.

Applicant:	Florida Power and Light (FPL)
Request:	Public Purpose Use/site Plan Approval/U
Location:	Northwest corner of S.W. 9 Street and the FEC Railroad (200 S.W. 7 Street)

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to close the public hearing.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Commissioner Hutchinson introduced the following ordinance on first reading.

ORDINANCE NO. C-02-37

AN ORDINANCE APPROVING A MODIFICATION TO A PUBLIC PURPOSE USE OF PROPERTY FOR A FLORIDA POWER AND LIGHT ELECTRICAL SUBSTATION LOCATED AT 200 SW 7TH STREET IN FORT LAUDERDALE, FLORIDA, IN A UTILITY (U) ZONING DISTRICT THAT DOES NOT MEET CERTAIN REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS; GRANTING RELIEF FROM THE MAXIMUM HEIGHT REQUIREMENT FOR FENCES AND WALLS PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Public Purpose Use/Site Plan Approval/RMH-25 -
Florida Power and Light - Sistrunk Substation
(PZ Case No. 120-R-02)**

(PH-5)

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 9-0 that the following application be approved. Notice of public hearing was published November 7 and 14, 2002.

Applicant: Florida Power and Light (FPL)
Request: Public Purpose Use/Site Plan Approval/RMH-25
Location: Southeast corner of N.W. 6 avenue and N.W. 5
Street (420 N.W. 6 Avenue)

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to close the public hearing.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Commissioner Moore stated that several comments had been made regarding landscaping for this proposed site. He asked that a definite answer be supplied to the Commission before the second reading as to whether these improvements would be included in the project. He also asked if they could have a number as to how many individuals used the sidewalk in question and would be impacted by its removal. He further stated that residents in the area were concerned about the removal of the sidewalk.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-38

AN ORDINANCE APPROVING A MODIFICATION OF A PUBLIC PURPOSE USE OF PROPERTY FOR A FLORIDA POWER AND LIGHT ELECTRICAL SUBSTATION LOCATED AT 420 NW 6TH AVENUE IN FORT LAUDERDALE, FLORIDA, IN AN RMH-25 ZONING DISTRICT THAT DOES NOT MEET CERTAIN REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS; GRANTING RELIEF FROM THE LIST OF PERMITTED AND CONDITIONAL USES FOR AN ELECTRICAL SUBSTATION IN AN RMH-25 ZONING DISTRICT; THE MAXIMUM HEIGHT REQUIREMENT FOR FENCES AND WALLS; THE LANDSCAPING REQUIREMENTS; AND THE PARKING REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Historic Designation - Florida Trust for Historic
Preservation - Bonnet House - 900 North Birch Road
(HPB Case No. 34-H-02)**

(PH-6)

At the September 9, 2002 Historic Preservation Board regular meeting, it was recommended by a vote of 9-0 that the following application be approved.

Applicant: Florida Trust for Historic Preservation
Request: Historic Designation (landmark) status
Location: Bonnet House (900 Birch Road)

Commissioner Smith asked if any of the principals for the New Broward Trust for Historic Preservation that were present would come forward and provide some background about this organization.

Any individuals wishing to speak on this item were sworn in.

Diane Smart, Broward Trust for Historic Preservation, stated that their main goal was advocacy. She explained that the Lauderdale Beach Hotel brought up issues that many people had been thinking about for a long time. This group was formed in August and were a 501C3 organization and were attempting to obtain grants. She explained that they sprang from the Sailboat Bend Historic Trust. She further stated that the Board would be comprised of members from Hollywood, Dania and eastern parts of the County where there were buildings 50 years or older eligible for designation.

Commissioner Smith asked if their mission was to pro-actively find those types of buildings and obtain designation. Ms. Smart confirmed. She stated that surveys had been conducted for a long time and a proposed list of priority properties was going to be developed. She explained the best way to join these efforts was to go to the website at www.whpb.org and an application would appear. She stated that she was 750,000% in favor of this designation.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to close the public hearing.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, DESIGNATING THE
BONNET HOUSE LOCATED AT 900 NORTH BIRCH ROAD,
FORT LAUDERDALE, AS A HISTORIC LANDMARK PURSUANT
TO SECTION 47-24.11 OF THE UNIFIED LAND DEVELOPMENT
REGULATIONS.

Which resolution was read by title only.

Mayor Naugle disclosed that he had been to the site and received communications and met in the past with Mr. Bartlett and other interested parties. Commissioner Smith stated that he had discussions in the past with interested parties. Commissioner Moore asked if the entire site was to be designated.

Commissioner Hutchinson stated that she had spoken with Buddy Lochrie.

Michael Ciesielski stated that the designation would encompass the entire site comprised of 35 acres.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Vacate a Portion of N.E. 23 Avenue - Gada Management, L.C. (PZ Case No. 6-P-02)

(O-1)

At the September 18, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 8-1 that the following application be approved. Ordinance No. C-02-33 was published October 24 and 31, 2002, and passed on first reading November 5, 2002 (as revised) by a vote of 5-0.

Applicant: Gada Management, L.C.
Request: Vacate a portion of N.E. 23 Avenue
Location: 2300 Barcelona Avenue

Commissioner Hutchinson introduced the following ordinance on second reading, as revised:

ORDINANCE NO. C-02-33

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE RIGHT-OF-WAY FOR NORTHEAST 23RD AVENUE AS SHOWN ON THE RE-AMENDED PLAT OF "LAUDERDALE ISLES", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING WEST OF THE WEST PROPERTY LINE OF LOT 1 OF BLOCK 1, "SEA ISLAND UNIT FOUR," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGE 50, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND LYING EAST OF THE CENTERLINE OF SAID NORTHEAST 23RD AVENUE, LOCATED ON THE EAST SIDE OF NORTHEAST 23RD AVENUE BETWEEN BARCELONA DRIVE AND THE RIO GIRALDO CANAL, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only.

Commissioner Hutchinson left the meeting at approximately 9:45 p.m. and returned at 9:46 p.m.

Commissioner Katz asked where this was located. Mayor Naugle stated that it was on Seven Isles.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Amendment to Chapter 20 - Police and Firefighters
Retirement System - Firefighters Benefit Accrual
Formal, DROP Provisions, and Disability Benefits**

(O-2)

An ordinance amending Chapter 20, Division 3 of the Code of Ordinances respecting the Police and Firefighters Retirement System pertaining to Firefighters benefit accrual formula, DROP provisions, disability benefits, and other clarifying changes retroactive to October 1, 2002. Ordinance No. C-02-34 was published October 26, 2002, and passed on first reading November 5, 2002 by a vote of 5-0.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-02-34

AN ORDINANCE AMENDING CHAPTER 20, DIVISION 3 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA RESPECTING THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM MODIFYING THE RETIREMENT BENEFIT ACCRUAL FORMULA AND MAXIMUM BENEFIT ACCRUALS FOR FIREFIGHTERS; PROVIDING FOR REVISED DROP RETIREMENT DATES FOR FIREFIGHTERS; EXTENDING MAXIMUM DROP PARTICIPATION PERIODS AND ELIGIBILITY PERIODS FOR FIREFIGHTERS; AMENDING SECTION 20-129(c) (1) & (2) BY PROVIDING THAT LOCAL LAW/SERVICE INCURRED DISABILITY RETIREMENT BENEFITS AND LOCAL LAW/NON-SERVICE INCURRED DISABILITY RETIREMENT BENEFITS SHALL NO LONGER CONVERT TO NORMAL RETIREMENT BENEFITS UPON ATTAINING ONE'S NORMAL RETIREMENT DATE AND PROVIDING FOR RECOVERY FROM DISABILITY UPON CERTAIN TERMS AND CONDITIONS; AMENDING SECTION 20-130(a) "CONTRIBUTIONS" BY PROVIDING FOR CESSATION OF CONTRIBUTIONS DURING PERIOD OF LOCAL LAW/SERVICE INCURRED AND NON-SERVICE INCURRED DISABILITY RETIREMENT AND PROVIDING, UPON CERTAIN TERMS AND CONDITIONS, FOR ACCRUING OF CREDITABLE SERVICE UPON RECOVERY FROM DISABILITY AND RE-ENTRY INTO SERVICE; AMENDING SECTION 20-132, "ADMINISTRATION" REGARDING CITY RESIDENCY REQUIREMENTS; AND PROVIDING FOR EFFECTIVE DATES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Amend Unified Land Development Regulations (ULDR)
To Establish a Planned Unit Development (PUD) Zoning
District (PZ Case No. 4-T-02)**

(O-3)

An ordinance amending the ULDR to create a new Section 47-37 creating a new zoning district entitled "Planned Unit Development" (PUD) for property proposed for unique and innovative development that does not conform to traditional zoning, and other provisions relating to this new zoning district. Ordinance No. C-02-35 was published October 26, 2002, and passed on first reading November 5, 2002 by a vote of

4-1 (Naugle).

Commissioner Katz introduced the following ordinance on second reading:

ORDINANCE NO. C-02-35

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO ESTABLISH A NEW SECTION 47-37 TO CREATE A NEW ZONING DISTRICT ENTITLED PLANNED UNIT DEVELOPMENT (PUD) FOR PROPERTY PROPOSED FOR UNIQUE AND INNOVATIVE DEVELOPMENT THAT DOES NOT CONFORM TO TRADITIONAL ZONING AND DEVELOPMENT STANDARDS; PROVIDING THAT REZONING INTO A PUD ONLY OCCUR UPON REQUEST OF A PROPERTY OWNER; ESTABLISHING REQUIRED DEVELOPMENT STANDARDS FOR PROPERTY TO BE ZONED PUD INCLUDING HEIGHT, BULK, SHADOW, MASS, SETBACKS, YARD, LANDSCAPING, PARKING, SETBACKS, OPEN SPACE, DESIGN, BUFFER YARDS AND ALL OTHER DEVELOPMENT REQUIREMENTS BASED ON CERTAIN CRITERIA AT THE TIME AND IN CONJUNCTION WITH AN APPROVED SITE PLAN; PERMITTING USES AND DENSITY AS APPROVED BY THE CITY COMMISSION AND CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT; PROVIDING APPLICATION REQUIREMENTS; PROVIDING PROCEDURES AND REQUIREMENTS FOR REZONING TO A PUD DISTRICT; PROVIDING FOR AMENDMENTS TO A PUD DISTRICT.

Which ordinance was read by title only.

Cecelia Hollar, Director of Construction Services, stated that they had heard at the ULI Workshop that one of the tools would be to develop a PUD ordinance, and she wanted to point out that this would be available for use on the beach.

Charles Jordan proceeded to read the definition for a PUD. He stated that if the zoning districts did not address this, then the zoning districts should be addressed. He felt this was another case of "Let's Make A Deal." He stated you couldn't do what zoning said you should do. Zoning had been through a process which required neighborhood approval and extensive planning throughout the City. A PUD would turn this upside saying, "Let's do something different." He further stated that they were doing something different because it was incompatible with the surrounding areas. He urged to have politics taken out of this planning process, and write a zoning ordinance that would work and stick to the rules. He further stated that it was getting to the point in the City where you could not depend on the ordinance. He stated that you could depend on coming and getting a political reading from the City Commission and that was not the way to do planning.

Mr. Jordan urged the Commission to vote this ordinance down. He further asked if the City wanted to encourage the blight which preceded major land consolidation because part of the ordinance stated that the project had to be a certain size. He stated that when he was President of the Flagler Heights Civic Association, they had a group of people known as "Dirt Buyers" who bought the property for land value. They would tear down the structures and buy the "dirt" and it would sit there for 15-20 years. This would encourage that type of behavior, and he believed it was wrong. He felt the City needed to look at each ordinance and state what was wanted. Mr. Jordan proceeded to ask if the City wanted to encourage

homogenization in developments. He believed that people came to Fort Lauderdale because of its diversity. He felt this was a suburban type ordinance and encouraged the Commission to deny this.

Mayor Naugle asked Mr. Jordan if he felt this type of ordinance would empower lobbyists. Mr. Jordan confirmed and stated that it made the planning process political and it would take you off the planning track. He believed that planning should be done 50-100 years ahead of time.

Commissioner Smith stated this was a bunch of "malarkey" and he believed the Mayor's remark referring to the empowerment of lobbyists was even more ridiculous. He stated that the PUD was an accepted principle used all over the country and allowed a creative look for a piece of property, and it had nothing to do with "back room deals." He stated that he was personally offended by the fear tactics stated to scare the residents. He stated this was an accepted practice and not a political one.

Commissioner Moore stated that everyone had an opinion in regard to this matter. He was glad this process was being looked at the way it was and if you dealt with a planning process that would stand the test of time, you would still be on a "horse and buggy." Lobbyists would always work as long as there was a government. He stated that the public had been properly notified and therefore had the chance to lobby every elected official, and the lobbyists also had the opportunity to lobby the officials.

Commissioner Katz stated that she agreed with Commissioner Moore and stated this was a nationally accepted method in dealing with development, and felt it was perfectly legitimate to pursue.

Commissioner Hutchinson stated that she agreed and thought it was a good ordinance. She stated it was not being written for the Lennar project. She further stated that State Road 84 was blighted and needed help and possibly with PUD could assist them and turn things around. South Andrews was scraping the bottom of the barrel in trying to get development, and the CRA and Flagler Heights were only a few areas which needed help. She felt this ordinance would help create some areas for mixed-use liveable developments. Unfortunately, this was happening at the same time as the Lennar project, but she was not writing it specifically for that project. She stated that she had supported this ordinance at the first reading, and would do so again tonight.

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Hutchinson. NAYS: Mayor Naugle.

**Application for Dock Permit - Adam Simms and Denise Simms -
1025 Cordova Road**

(R-1)

A resolution permitting under section 8-144 of the Code of Ordinances the use by Adam Simms and Denise Simms, his wife, of a dock on public property located on Cordova Road immediately east of the Simms residence with the street address of 1025 Cordova Road.

Applicant: Adam Simms and Denise Simms
Request: Dock Permit
Location: Immediately east of 1025 Cordova Road

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-198

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, AUTHORIZING PURSUANT
TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE
CITY OF FORT LAUDERDALE, FLORIDA THE USE BY ADAM

SIMMS AND DENISE SIMMS OF A DOCK ON PUBLIC PROPERTY LOCATED ON CORDOVA ROAD IMMEDIATELY EAST OF HER RESIDENCE WITH THE STREET ADDRESS OF 1025 CORDOVA ROAD AND MORE PARTICULARLY DESCRIBED BELOW, UNDER CERTAIN TERMS AND CONDITIONS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Second Amendment to Interlocal Agreement -
Broward County Metropolitan Planning Organization (MPO)**

(R-2)

A resolution authorizing the proper City officials to execute a second amendment to the Interlocal Agreement for the Broward County MPO, to reflect changes in population distribution as reported in the 2000 Census.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-199

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO AGREEMENT BETWEEN THE CITY AND THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION ("MPO") APPROVING REAPPORTIONMENT OF THE MEMBERSHIP OF THE MPO.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

**Lease Financing of 72 Police Vehicles and
Ancillary Equipment - SunTrust Leasing Corporation**

(R-3)

A resolution authorizing the proper City officials to execute all documents necessary to borrow \$1,738,598 from SunTrust Leasing Corporation to fund the purchase of 72 police vehicles and ancillary equipment. (Also see item Pur-1 on this Agenda)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-200

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE UTILIZATION OF THE SUNTRUST LEASING CORPORATION MASTER LEASE FINANCE PROGRAM TO FINANCE THE PURCHASE OF POLICE VEHICLES.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Advisory Board/Committee Appointments

(OB)

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Board of Adjustment	E. Birch Willey
Budget Advisory Board	Ken D. Cooper Sherry L. McVey Harry D. Sweeney Shane Gunderson Mickey Hinton Lester Alexander Elizabeth Hernandez William Nielsen
Community Appearance Board	John Barranco
FPL Citizens Advisory Committee (Utilities Advisory Board)	Nick Sakhnovsky
Northwest-Progresso-Flagler Heights Redevelopment Advisory Board	Jim Carras

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-201

A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING
BOARD MEMBERS AS SET FORTH IN THE EXHIBIT
ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Compensation Increase/City Clerk

(OB)

Mayor Naugle stated that the resolution would become effective October 1, 2002 and referred back to the first day of the budget year.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-204

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING
FOR AN INCREASE IN THE COMPENSATION PAID TO

CITY CLERK, LUCY KISELA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Compensation Increase/City Manager

(OB)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-203

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING
FOR AN INCREASE IN THE COMPENSATION PAID TO
CITY MANAGER.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

River Oaks/Edgewood Drainage

(OB)

Greg Kisela, Assistant City Manager, explained that this resolution would formally adopt the Keith & Schnars report done about one year ago and addressed the preferred alternative of retention allowing them to move forward and apply for the Department of Environmental Protection Grant, and it would then memorialize into a formal plan.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-202

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA, APPROVING
THE RECOMMENDATIONS OF THE STORMWATER
MANAGEMENT ANALYSIS CONDUCTED BY KEITH AND
SCHNARS, P.A. TO SOLVE THE PUBLIC HEALTH AND
ENVIRONMENTAL PROBLEMS CREATED BY FLOODING
IN THE RIVER OAKS/EDGEWOOD RESIDENTIAL
COMMUNITIES.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: None.

Commissioner Katz reminded everyone that at the December 10, 2002 Commission Meeting a discussion would be held regarding reduction of density on the beach.

There being no further business to come before the Commission, the meeting was adjourned at 10:00 p.m.

Jim Naugle
Mayor

ATTEST:

Lucy Kisela
City Clerk